

Balraj Khemraj Rele .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.V.V.Purwant for applicant

Mrs.S.D.Shinde, A.P.P. for respondent

CORAM : S.C.DHARMADHIKARI, J.
DATE : 17th November 2005.

P.C.

1. Heard Mr.Purwant for applicant and
Mrs.Shinde, A.P.P. for State. It is not in
dispute that present applicant had moved an

application for anticipatory bail being Application No.1935 of 2005 in the Sessions Court, Pune which came to be dismissed.

2. It is the specific case of applicant that no complaint has been registered against him. In the remand report name of accused/ applicant appears and that is how police came to his house. He apprehends arrest. Apprehended arrest is in connection with C.R.No.425 of 2005 registered with Chatushringi Police Station. Offences alleged are under section 406, 420 and 468 of I.P.C. Other accused namely Anthony Pawar, Vijaya Laxmi Jagdish are presently arrested in connection with the aforesaid offence. They are in custody. Other accused are Gorakhnath Sartape, Kishore and Omkar Purandare. It appears that an application for identical reliefs was made by them. Criminal Misc.Application No.1910 of 2005 filed by them and the applicant's bail application have been disposed of by a common

order by the IIIrd Additional Sessions Judge, Pune on 25th October 2005. Upon perusal of the order passed by the Additional Sessions Judge, it is clear that as far as bail application No.1910 of 2005 is concerned, version of applicants therein as well as prosecution has only been considered. Ultimately, however, both applications have been dismissed. There is absolutely no discussion as far as applicant's application for anticipatory bail. Applicant's application for anticipatory bail viz., Criminal Misc.Application No.1935 of 2005 although disposed of by this order, neither is there any reference made to averments and case set up therein nor version of prosecution with regard to the same.

3. In my view, this is not satisfactory manner of dealing with application for anticipatory bail. Unless it is clear and possible that a common order can be passed in

bail applications, the sessions Judge ought not to club the applications as the pleas of each accused/ applicant may be distinct and separate. In the instant case it is nobody's case that the role of the other accused and the present applicant is identical as also the allegations against them are identical. Once such is not the fact situation, then it is erroneous to club applicant's application along with applications of other accused.

4. In my view, interest of justice would be served if the application preferred by applicant herein in the sessions court for anticipatory bail is restored to file for being dealt with on merits and in accordance with law. In the light of the fact that the application for anticipatory bail preferred by applicant herein in sessions court is being restored, learned Counsel appearing for applicant does not press the present application. However, it is necessary to

continue the protection granted by this Court to the applicant for a period of three weeks from today. Parties to appear before the sessions court on 23rd November 2005. The sessions Judge shall dispose of the application within a period of 10 days thereafter. Application disposed of.

(S.C.DHARMADHIKARI, J)